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C O N F I D E N T I A L SECTION 01 OF 02 HONG KONG 000483

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [MC](#) [HK](#) [CH](#)
SUBJECT: MACAU (MOSTLY) LIFTS TRAVEL BAN ON PAN-DEMOCRATS;
SOME ACTIVISTS STILL BARRED

REF: (A) HONG KONG 354 (B) HONG KONG 11

Classified By: Consul General Joe Donovan for reasons 1.4(b) and (d)

11. (C) Summary and comment: Weeks of mounting pressure from Hong Kong's pan-democrats, the media, the Hong Kong government (reluctantly), and perhaps even Beijing have led Macau to lift what appeared to be a blanket ban on Hong Kong democratic activists' visiting Macau. Twenty eight pan-democratic members of the Legislative Council, District Councilors and activists were admitted to Macau March 15 for an exchange with their counterparts in Macau's proto-democratic New Macau Association. Two legislators -- League of Social Democrats firebrand "Long Hair" Leung Kwok-hung and Confederation of Trade Unions' General Secretary Lee Cheuk-yan -- were denied entry, along with three democratic activists. Hong Kong and Macau democrats have criticized these refusals in the media, and Hong Kong democrats again called on Hong Kong Secretary for Security Ambrose Leung to raise the issue with Macau counterparts. In this escalating confrontation, cooler heads in Macau seem to have prevailed -- to a point. Letting in the majority of the democrats may help move Macau's recent passage of Article 23 legislation out of at least the international media (ref A). However, the decision to continue the ban on Long Hair and Lee will serve only to drag out an unnecessary irritant in Hong Kong-Macau relations and continue to attract unfavorable media attention to Macau. End summary and comment.

Background to the Ban

12. (C) Since late last year, and possibly spurred by the participation of Hong Kong's pan-democratic legislators and activists in protests against Macau's then-draft Article 23 legislation, Macau has largely banned known Hong Kong democrats from entering Macau. The legal authority for the ban is unrelated to Article 23, but rests rather on Macau's 2002 Internal Security Law. Under the rubric of "Preventative Police Measures," Article XVII Section 1(4) grants Macau police (who control immigration), the right:

"To prevent the entry into the Macau Special Administrative Region of, or to deport, residents of foreign territories who are regarded under the law as unwelcome, or who constitute a threat to internal security and stability; or who are regarded as suspects of transnational crimes, including international terrorists."

Macau officials have cited this law in all the refusals, without ever (at least to our knowledge) citing a specific offense committed by someone refused. Macau has also steadfastly denied that it has compiled a "black list" of persons to be barred from entry, although one pan-democratic party member who was recently denied entry told us the only thing the otherwise-polite Macau officials would tell him was that his name was on a list.

13. (C) While the largest single refusal was the December 20 decision to bar a group of over twenty Hong Kong democrats, including nine Legislative Council (LegCo) members traveling to take part in an anti-Article 23 activity (ref B), recent weeks had seen refusals even of democrats traveling for tourism. In at least one instance, a democrat was traveling from Mainland China into Macau at the Zhuhai border crossing, and thus ironically was returned to the PRC having been found ineligible to enter Macau. The first of two straws which broke the camel's back were Macau's refusal February 18 and again February 27 of South China Morning Post (SCMP) photojournalist Felix Wong, who was already accredited by the Macau government. That action put the ban into the headlines and put the full force of the prominent SCMP's editorial page against the ban. The second was the March 3 refusal of widely-respected University of Hong Kong Law School Dean Johannes Chan, who was traveling to deliver an annual lecture (unrelated to Article 23) at the University of Macau.

Hong Kong Mobilizes, Macau Hedges

14. (C) Up to the point of the SCMP's Wong's refusal, the Hong Kong government held to its line that, while it was monitoring the issue, Macau was within its rights to control its border in accordance with its own laws. Wong's February 18 refusal was coincident with Macau Secretary for Economy and Finance Francis Tam's visit to Hong Kong to attend a conference on Pearl River Delta cooperation. Hong Kong Chief Secretary Henry Tang chose to raise the issue with Tam at

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that time, but downplayed the issue as a dispute to be worked out among "brothers". After Professor Chan was refused March 3, however, the issue rose to a boiling point. Hong Kong's pan-democratic legislators moved for a debate in LegCo on the issue March 4, with even pro-government legislators like Regina Ip calling on Secretary for Security Ambrose Leung to raise the matter with the Chief Executive. Hong Kong Chief Executive (CE) Donald Tsang did raise the issue with Macau CE Edmund Ho on the margins of the National People's Congress meetings in Beijing March 5, although Ho told the press he was sure Macau police had acted appropriately. Hong Kong's Central Government Liaison Office (CGLO) entered the fray March 6, with CGLO Director Gao Siren telling reporters he was "looking into the situation, and (would) raise the issue with the relevant departments of the central government."

15. (C) Macau security officials held to their line that they were acting in accordance with Macau law, stressed each case was reviewed on its own merits, and denied the existence of a black list. Doing any friends in the Macau government no favors, casino mogul Stanley Ho loudly applauded the bans in remarks to reporters, using a Cantonese vulgarity to brand those barred as troublemakers. However, since early March, the Macau government, from CE Edmund Ho down, also began taking greater pains to stress the importance attached to Hong Kong and Macau ties. In a March 12 meeting with the Consul General, Secretary for Economy and Finance Francis Tam told us with a laugh that "some people in the government are too sensitive." He suggested the issue had been resolved, noting that even the central government wanted to see some "face" given to Hong Kong CE Tsang.

How the Entry Ban Played Out

16. (C) Hong Kong's pan-democratic camp held a press conference outside LegCo March 11 announcing its intention to travel en masse to Macau March 15, for an "exchange" hosted by Macau's proto-democratic New Macau Association (NMA). While the stated purpose of the trip was to discuss issues among the two SAR's democrats, including the February 26

passage of Macau's Article 23 bill, the real goal was to test whether the high-level discussion between the two CEs had ended the travel ban. A preliminary test of CE Tsang's diplomacy went well, with Hong Kong academic and Civic Party Secretary-General Kenneth Chan admitted to attend a non-political academic conference March 12. Chan's entry led Hong Kong officials to urge the pan-democrats not to push the Macau side too far with their March 15 trip, a plea the pan-democrats ignored.

¶7. On Sunday March 15, 28 out of 33 democrats were admitted to Macau. Thirteen pan-democratic LegCo members were admitted: the Democratic Party's Albert Ho, Emily Lau, Kam Nai-wai, Wong Sing-chi, Lee Wing-tat, James To, and Cheng Man-kwong; the Civic Party's Audrey Eu, Margaret Ng, and Tanya Chan; the Association for Democracy and the People's Livelihood's Cheung Kwok-che, and independents Cyd Ho and Joseph Lee. Two legislators -- League of Social Democrats (LSD) firebrand "Long Hair" Leung Kwok-hung and Confederation of Trade Unions (CTU) leader Lee Cheuk-yan, were refused, along with three democratic activists. Press speculated that the refusals had to do with both LSD and CTU's roles in promoting worker activism, which made them seem too risky to the government in the runup to now-annual May 1 marches by Macau labor. Press coverage of the democrats' arrival was heavy, giving a bright spotlight in which Leung and Lee could protest their ban. The Hong Kong government issued a carefully-worded statement that, while it would not discuss specific cases, it would "continue to monitor development of this situation."

¶8. (C) The other democrats, as well as the NMA, also protested the refusals, but proceeded with their scheduled program. The Hong Kong democrats staged a protest in front of Macau's Government House, which Macau press reported the NMA observed but did not join. Pan-democratic "box lunch caucus" convener Cyd Ho presented a petition to a Macau government representative protesting Macau's "selective" travel bans and calling on Chief Executive Ho to allow free travel to Macau by all Hong Kong residents. Macau media also reported that protests by non-Macau residents are illegal (the report claimed only Macau SAR citizens have this right under law) and that protests by anyone directly in front of government house are also illegal. However, police allowed the protest to occur unobstructed.

DONOVAN